
UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

United States District Court
Southern District of Texas

ENTERED

July 29, 2021

Nathan Ochsner, Clerk

Chiara Ettorre,

Plaintiff,

versus

New York Pizzeria, Inc., *et al.*,

Defendants.

§
§
§
§
§
§
§
§

Civil Action H-19-245

Order on Fees

1. *Introduction.*

Chiara Ettorre sued Russo's Westheimer, Inc., for violating the Fair Labor Standards Act minimum wage requirement and retaining a part of her tips. This court decided that Russo's could not claim the tip credit exception and improperly took some of her tips. It held Russo's liable for these violations.

2. *Fee Calculation.*

To determine the attorney's fees, the court examines the productive number of hours spent on the case and the rate charged. After deducting duplicative and excessive entries and accepting Ettorre's adjustments, Ettorre may recover \$73,095 in reasonable attorney's fees from Russo's. This accounts for:

- (a) 170 hours at \$395 per hour by Drew Herrmann;
- (b) 31 hours at \$145 per hour by Allison Peregory; and
- (c) 10 hours at \$145 by legal support staff.

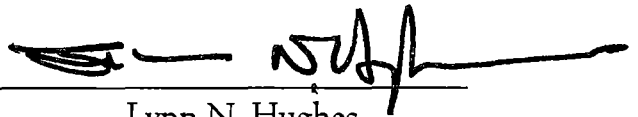
This fee calculation is reasonable because of the difficult and complexity of this case as it involved a nuanced and novel area of federal labor law. The case

was fiercely contested for more than two years and resulted in a full recovery for Ettorre on all claims. Ettorre's counsel is experienced and charged a reasonable rate for labor law attorneys.

3. *Conclusion.*

Russo's Westheimer, Inc., must pay to Chiara Ettorre \$73,095 in attorney's fees and \$2,307 in costs, plus 0.08% post-judgment interest. (57)

Signed on July 26, 2021, at Houston, Texas.



Lynn N. Hughes
United States District Judge